

## Certificate of Mailing

"Express Mail" mailing label number EV 332 012 666 US I hereby certify that this document and referenced attachments are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated and is addressed to: Mail Stop: Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on September 8, 2003.

By: Nancy Ramos

Printed: Nancy Ramos

03940 U.S. PTO  
10/658434  
09/08/03

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## REQUEST FOR FILING A PATENT APPLICATION UNDER 37 CFR 1.53(b)

Box Patent Application  
Commissioner for Patents  
P.O. Box 2327  
Arlington, VA 22202  
Dear Sir:

This is a request for filing a **DIVISIONAL** application under 37 CFR 1.53(b) of pending prior application U.S. Application Serial No. 09/571,078, filed on May 15, 2000, now U.S. Patent No. 6,620,783, issued on September 16, 2003, which is a continuation in part (CIP) application of U.S. Application Serial No. 09/028,327 filed February 24, 1998, now U.S. Patent No. 6,130,064, issued October 10, 2000, the contents all of which are hereby incorporated by reference herein.

X	Enclosed is a specification corresponding to the prior application, U. S. Application Serial No.09/028,327 filed on February 24, 1998, now U.S. Patent No. 6,130,064, issued October 10, 2000, including the oath or declaration as originally signed. The specification does not contain any subject matter that would have been new matter in the prior application.
X	With regard to the requirement of 37 CFR 1.821(e) which requires that a copy of the Sequence Listing in computer readable form (CRF) be submitted, Applicants state that the paper copy of the Sequence Listing for the instant divisional application is identical with the computer readable form filed with Serial No. 09/028,327 , filed February 24, 1998, to which priority is claimed. In accordance with 37 C.F.R. §1.821(e), please use the computer readable form filed with U.S. Application Serial No.09/028,327 as the computer readable form for the instant divisional application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant application.
	Amend the specification by inserting after the title: "This application is a application of U.S. application serial number , filed , all of which applications and patents are hereby incorporated herein by reference."
X	Cancel in this application original claims <u>2-11, 17-28, and 30-45</u> before calculating the filing fee, without prejudice or disclaimer. Applicants submit that these claims were included in the application as filed in the interest of providing notice to the public of certain specific subject matter intended to be claimed, and are being canceled at this time in the interest of reducing filing costs. Applicants expressly state that these claims are not being canceled for reasons related to patentability, and are in fact fully supported by the specification as filed. Applicants expressly reserve the right to reinstate these claims or to add other claims during prosecution of this application or a continuation or divisional application. Applicants expressly do not disclaim the subject matter of any invention disclosed herein which is not set forth in the instantly filed claims.
X	The inventor(s) of the invention being claimed in this application is (are): Y. Tom Tang, Neil C. Corley, Karl J. Guegler.

- X The prior application is assigned of record to Incyte Corporation, formerly known as Incyte Genomics, Inc., also formerly known as Incyte Pharmaceuticals, Inc., recorded on August 12, 2002, at reel /frame 013178/0785.

- X The power of attorney of the prior application is to:

Lucy J. Billings	Reg. No. 36,749
Jenny Buchbinder	Reg. No. 48,588
Diana Hamlet-Cox	Reg. No. 33,302
Joel Harris	Reg. No. 44,743
Richard C. Ekstrom	Reg. No. 37,027
Barrie D. Greene	Reg. No. 46,740
Lori L. Kerber	Reg. No. 41,113
Lynn E. Murry	Reg. No. 42,918
Shirley A. Recipon	Reg. No. 47,016
Cathleen M. Rocco	Reg. No. 46,172
Susan K. Sather	Reg. No. 44,316
Michelle M. Stempien	Reg. No. 41,327
David G. Streeter	Reg. No. 43,168
Sreenivasarao Vepachedu	Reg. No. 46,395
James M. Verna	Reg. No. 33,287
Yu-Mei Eureka Wang	Reg. No. 50,510

- X The invention was not made by an agency of the United States Government or under a contract with an agency of the United States Government.

#### ENCLOSURES

- X Application Data Sheet (ADS) (3 pp.).
- X Blanket Exemption from Requirements Under § 42 U.S.C. 2182 Letter (1 pg.).
- X In accordance with 37 CFR 1.63(d), a copy of the originally signed declaration showing applicant's/applicants' signature(s) as filed on (8 pp. signed in counter-part).
- X Submission of Formal Drawings (1 pg.); and 8 Sheets of Formal Drawings, including Figures 1A, 1B, 1C, 1D, 1E, 1F, 2A and 2B.
- X Information Disclosure Statement (2 pp.); and List of References Cited PTO-1449 (2 pp.).
- X Copy of previously submitted Certification under 37 C.F.R. §3.73(b), Revocation of Power of Attorney and Appointment of New Attorneys (2 pp.).
- X A new Certification under 37 C.F.R. §3.73(b), Revocation of Power of Attorney and Appointment of New Attorneys (2 pp.).
- X Copy of Submission under 37 CFR § 1.821-1.825 Sequence Listing (1 pg.).

CLAIMS AS FILED							
Claims	Number Filed	Minus	Number Extra	Other Than Small Entity Rate Fee		Basic Fee	
						\$	750.00
Total Claims	19	-20	0	x \$18		\$	0
Indep. Claims	2	-3	0	x \$84		\$	0
Multiple Dependent Claim(s), if any				+ \$280		\$	0
Filing Fee:						\$	750.00

FEE CALCULATION AND METHOD OF PAYMENT	
The Fee has been calculated as follows:	
<input checked="" type="checkbox"/> Fee for filing a Divisional Application Under 37 CFR 1.16 (a):	\$ 750.00
<input checked="" type="checkbox"/> Please charge Deposit Account No. 09-0108 in the amount of :	\$ 750.00
<p>Applicants hereby authorize the Commissioner to treat any concurrent or future reply in this application that requires a petition for an extension of time under 37 CFR 1.136(a) to be timely, as incorporating a petition for extension of time for the appropriate length of time; and to charge all required fees, including fees under 37 CFR 1.16, 1.17, and all required extension of time fees, or to credit any overpayment, to Deposit Account <u>09-0108</u>. This sheet is enclosed in duplicate.</p>	
CORRESPONDENCE ADDRESS (Customer No. 27904)	
INCYTE CORPORATION LEGAL DEPARTMENT 3160 Porter Drive Palo Alto, California 94304	Phone: (650) 855-0555 Fax: (650) 845-4166 or (650) 849-8886
Date: <u>08, September 2003</u> By: <u>Shirley A. Recipon</u> Shirley A. Recipon Reg. No. 47,016 Direct Dial Telephone: (650) 621-8555	
<input checked="" type="checkbox"/> Attorney or Agent of record.	

Certificate of Mailing

"Certificate of Express Mail" mailing label number EV 332 012 666 US I hereby certify that this document and referenced attachments are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10, addressed to: Mail Stop: Patent Application, Commissioner, P.O. Box 1450, Alexandria, VA 22313-1450 on September 8, 2003. By: Nancy Ramos Printed: Nancy Ramos

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Tang et al.

Title: HUMAN SMN-LIKE PROTEIN

Serial No.: To Be Assigned

Filing Date: Herewith

Examiner: To Be Assigned

Group Art Unit: To Be Assigned

---

Mail Stop: Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUBMISSION OF FORMAL DRAWINGS**

Sir:

Transmitted herewith are Figure(s) 1A, 1B, 1C, 1D, 1E, 1F, 2A, and 2B, as eight (8) sheets of formal drawings for this application. Each sheet of drawing indicates the identifying indicia suggested in 37 CFR Section 1.84(c) on the front side of the drawings.

Applicants believe that no fee is due with this paper. However, if the Commissioner determines that a fee is necessary, the Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. **09-0108**.

If there are any questions regarding the above, the Examiner is invited to call the undersigned.

Respectfully submitted,

INCYTE CORPORATION

Date: 08, September 2003

Shirley A. Recipon  
Shirley A. Recipon

Reg. No. 47,016

Direct Dial Telephone: (650) 621-8555

Customer No.: 27904  
3160 Porter Drive  
Palo Alto, California 94304  
Phone: (650) 855-0555  
Fax: (650) 845-4166